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FM AMEMBASSY PORT AU PRINCE  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7317  
INFO RUEHZH/HAITI COLLECTIVE  
RUEHBR/AMEMBASSY BRASILIA 1718  
RUEHMN/AMEMBASSY MONTEVIDEO 0089  
RUEHSA/AMEMBASSY PRETORIA 1532  
RUEHSG/AMEMBASSY SANTIAGO 2340  
RUEHQU/AMCONSUL QUEBEC 0955  
RUEATRS/DEPT OF TREASURY WASHDC  
RUCOWCV/CCGDSEVEN MIAMI FL  
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL

UNCLAS SECTION 01 OF 02 PORT AU PRINCE 001913

SIPDIS

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STATE FOR WHA/CAR, DRL, S/CRS, INR/IAA  
SOUTHCOM ALSO FOR POLAD  
STATE PAS AID FOR LAC/CAR  
TREASURY FOR MAUREEN WAFER

E.O. 12958: N/A

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SUBJECT: MINISTER OF SOCIAL AFFAIRS: HAITI ACTING ON  
TRAFFICKING IN PERSONS

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#### Summary

1. (SBU) The Ambassador laid out the case to the Minister of Social Affairs that Haiti should adopt a policy and legislation aimed at combatting trafficking in persons. The Minister explained that Haiti is working with the International Organization for Migration (IOM) on legislation criminalizing TIP, and with UNICEF on a broader program to protect vulnerable children. Haiti's main need is for investigators trained to handle trafficking cases, since Haiti now has virtually none. End summary.

#### TIP Part of Broader Problem of Vulnerable Children

2. (SBU) The Ambassador called on Minister of Social Affairs Gerald Germain November 29 to explain that after two years being listed as a Special Case in the U.S. Trafficking in Persons Report, this year the USG would formally assess and give a formal ranking to Haiti's anti-trafficking efforts. She urged the GOH to acknowledge TIP as a national problem, especially the phenomenon of "restaveks", i.e., children placed by their parents with other families into conditions of domestic servitude. The Ambassador stressed that Haiti should pass an anti-TIP law that specifically criminalizes trafficking activity, including trafficking of children into involuntary domestic servitude. The GOH should undertake more anti-TIP investigations and prosecutions under existing laws, and provide shelters for TIP victims. Finally, she urged the GOH to develop a national plan of action to combat human trafficking. The Ambassador also pointed to current USG anti-TIP assistance programs in Haiti, especially the USAID-funded \$6.4 million three-year project through the Pan American Development Foundation to combat TIP and victims of violence.

3. (SBU) The Minister said that the GOH is working with UNICEF to develop a "National Plan for Protection of Children." The Government is also collecting information from NGOs engaged in child protection. Germain said that the

government is taking a "global" approach encompassing street children, children in need, children in conflict with the law, child AIDS victims, and child victims of TIP. A bill has been drafted addressing all five categories of vulnerable children. Some 400 street children have been put in protective centers. The Ministry of Justice is working on a plan quickly to process children through the legal system, and to place children freed either back with their families or in centers housing street children. Minors in trouble with the law need a "structure of reintegration and rehabilitation."

#### Anti-TIP Bill in the Works

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14. (SBU) On trafficking per se, the Minister continued, the International Organization for Migration (IOM) is helping an interministerial commission led by the Ministry of Justice to draft a bill criminalizing trafficking in persons, especially in children. The government has already carried out initial discussions with the legislature, although the bill has yet to be introduced. The Minister cautioned the Ambassador that even though TIP will be criminalized when the bill is eventually passed, the GOH had no resources to carry out TIP investigations. As it is, the most recent -- but nevertheless old -- figures show Haiti has 173,000 "restaveks." The inability to care for their children born into poverty forces many parents to entrust their children to people they do not know, said Germain.

#### Adoptions Also a Problem

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15. (SBU) The Minister explained that the new bill also contains provisions revising Haitian adoption law. The Ministers of Justice and of Social Affairs are already discussing adoption reform and have asked that the government

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form a commission to review adoption files that had stalled and "rationalize" adoption procedures. The GOH had already imprisoned one person for conspiring with orphanages to arrange false adoptions. Haiti's orphanages needed to be "put in order," Germain declared. Port au Prince Chief Prosecutor Claudy Gassant had been tasked to investigate crimes against children. As was the case with TIP cases, the Ministries of Justice and Social Affairs will need qualified personnel to investigate and prosecute fraudulent adoption cases, personnel that are now lacking. Haiti has ratified ILO Convention 182 (Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor) but needs to pass implementing legislation. The GOH is working with the IOM to develop a project aimed at a few hundred families most vulnerable to letting their children out as "restaveks" to give these parents the means to keep their children.

16. (SBU) The Ambassador stressed that the USG and the GOH needed more mutual contact so we could identify points where Haiti needs assistance.

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